

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MICROSOFT CORP.,

Plaintiff,

-against-

UNET WORLDWIDE, INC. and DUANYUE HE,

Defendants.
-----X

ORDER

06cv5028 (ADS) (WDW)

APPEARANCES:

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Attorneys for the Plaintiff

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New York, NY 10036

By: James Patrick Doyle, Esq.

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By: Jenny Zhao, Esq., of Counsel

SPATT, District Judge.

By letter motion dated November 7, 2007, the plaintiff moved before United States Magistrate Judge William D. Wall, pursuant to FED. R. CIV. P. 37 and Local Civil Rules 37.1 and 37.3, for an order striking defendants' answer and entering a default against them. The plaintiff's motion was based on the defendants' repeated

failure to comply with their discovery obligations. The motion before Judge Wall was unopposed.

On November 20, 2007, Judge Wall issued a Report, finding that the drastic remedy of default is warranted in this action and recommending that the defendants' answer be stricken and a default entered against them.

To date, there have been no objections filed to the Report. In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

The Court has reviewed the Report and finds it to be thorough and clearly analyzed, with no clear errors of fact or law. There being no objection to Judge Wall's Report, it is hereby

ORDERED, that Judge Wall's Report and Recommendation is adopted in its entirety; and it is further

ORDERED, that the Clerk of the Court is directed to strike defendants' answer; and it is further

ORDERED, that the Court hereby enters a default judgment against defendants Unet Worldwide, Inc. and Duanyue He, the amount to be determined by United States Magistrate Judge William D. Wall following an inquest as to damages, including reasonable attorneys fees and costs. The Court respectfully refers this matter to Judge Wall.

SO ORDERED.

Dated: Central Islip, New York
January 22, 2008

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge